

Writing Opinions and Orders in Controversial Cases



Welcome to ***Writing Opinions and Orders in Controversial Cases***, a free course offered by the National Center for State Courts.

The Preamble to the ABA Model Code of Judicial Conduct includes the statement that judicial officers must “strive to enhance and maintain confidence in our legal system.” Doing so is more difficult in an increasingly polarized society in which judicial decisions become enmeshed in divisive social and economic issues that spark controversy. Maintaining public trust requires that today’s appellate and trial judges take steps to write opinions and orders in cases that are controversial or have the potential to be controversial that:

- Help the parties and those who become aware of the decision understand the specific role of the courts in deciding a case,
- Demonstrate respect for the views of all parties to a case, and
- Demonstrate to the parties and public that the court’s decision was reached in a fair manner

This free, self-paced course consists of four parts:

Part I is an introduction to the course.

Part II is a one-hour series of video lectures by Nancy Wanderer, a University of Maine law professor, proposing an approach to writing opinions and orders in controversial, high-profile cases.

Part III is a one-hour set of video lectures by retired judge Robert Alsdorf (Superior Court for the State of Washington). The hour consists of two parts. The first part analyzes five characteristics of judicial thinking. The second part demonstrates those principles in action through two case studies: one a criminal case decision centered on a child's death by dog bite, and the other a decision striking down a tax-cutting referendum passed by popular vote.

Part IV is a recorded Roundtable Discussion that focuses on the practical experiences of judges who have written opinions in controversial cases. Professor Wanderer moderates a discussion with Judge Alsdorf, Judge Kevin Burke, and Judge Steve Leben that covers a wide range of practical topics from anticipating controversy to handling the media to avoiding bias in the opinion.

The course will launch on **November 30, 2011**, and registration is available [online](#). Course participants will have an opportunity to communicate on a one-on-one basis with the course faculty from December 5th to December 16th. Resource material also will be available to participants. For additional information on the course, please contact Shelley Spacek at the National Center for State Courts at sspacek@ncsc.org or 757.259.1538.

